IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3317 OF 2003
IN
SUIT NO.529 OF 1979

Devidayal Sales P.Ltd. ..Plaintiffs

Vs.

The State of Maharashtra ..Defendants

Ms.Rupal Narialwala i/b Gordhandas and Fozdar for the plaintiffs

Mr.Denzil D'Mello, A.G.P. for the defendants

CORAM : S.U.KAMDAR, J
DATED : 1ST MARCH, 2006

P.C.:

. The present motion is taken out for setting aside an order dt.11.9.03 passed by the learned single Judge dismissing the suit for non-prosecution. For the reasons set out in affidavit in support I grant the prayer clause (a) and (b). However, plaintiff is directed to pay cost quantified at Rs.10,000/- to the defendants. If cost is not paid, motion to stand dismissed. Motion disposed of accordingly. no order as to costs.